

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208
)	
Mobility Fund Phase I Auction)	AU Docket No. 12-25
)	

**COMMENTS OF MID-RIVERS TELEPHONE COOPERATIVE, INC.,
AND CABLE & COMMUNICATIONS CORPORATION,
D/B/A MID-RIVERS COMMUNICATIONS**

**REGARDING CENSUS BLOCK ELIGIBILITY CHALLENGES FOR
MOBILITY FUND PHASE I AUCTION**

SUBMITTED TO: Wireless Telecommunications Bureau & Wireline Competition Bureau

March 16, 2012

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I. EXECUTIVE SUMMARY

Mid-Rivers Communications,¹ a rural telecommunications cooperative and mobile wireless provider serving extremely rural areas of Montana, hereby submits Comments in response to the Federal Communications Commission's (FCC's) *Public Notice*² regarding Census Block Eligibility Challenges for the Mobility Fund Phase I Auction scheduled for September 27, 2012.

In these Comments, we provide specific data to challenge the eligibility of several Census Blocks in Eastern Montana for Mobility Fund Phase I support. We raise concerns with the timing and source of the FCC's eligibility data, and present a specific situation in Montana where the American Roamer data as of January 2012 will NOT be accurate due to 3G network upgrades currently in progress. We discuss regulatory and public commitments that have been made to provide 3G mobile data services to several previously unserved areas of Eastern Montana during 2012. Given the limited funding available through the Mobility Fund Phase I Auction, we urge the FCC to remove the Census Blocks in these areas from Mobility Fund Phase I eligibility, to insure that limited resources are not spent to serve an area that will already be served by September 2012 *without* Mobility Fund support.

¹ Mid-Rivers Communications provides telecommunications services, including mobile wireless services, to a vast geographic area in Eastern and Central Montana, operating primarily as a "fill-in" cellular licensee. We currently operate approximately 40 tower sites that were licensed primarily through this fill-in process. Mid-Rivers was granted ETC status for our wireless operations by the Montana Public Service Commission (MTPSC) in 2004 following an extensive public interest review process. The Mid-Rivers wireless network now covers approximately 10,000 square miles of some of the most remote, sparsely-populated areas of the state, the majority of which was previously unserved by any wireless signal and includes important state highway routes, oil and gas fields, and agricultural production areas. Throughout much of this area we continue to provide the only wireless signal available today to all mobile wireless users.

² MOBILITY FUND PHASE I AUCTION SCHEDULED FOR SEPTEMBER 27, 2012; COMMENT SOUGHT ON COMPETITIVE BIDDING PROCEDURES FOR AUCTION 901 AND CERTAIN PROGRAM REQUIREMENTS, AU Docket No. 12-25, *Public Notice*, DA 12-121, released February 2, 2012.

We also raise eligibility concerns regarding Census Blocks in Eastern Montana that are NOT shown as eligible for Mobility Fund Phase I Support, which implies that those blocks are in fact *served* with 3G mobile wireless service today. Though we are not able to provide drive test data or other third party verification of this fact given the extremely short timeframe for submitting these challenges (and as our company's limited resources are otherwise employed in attempting to deal with the many other impacts of the larger USF/ICC Transformation Order), Mid-Rivers is convinced that there are areas of Eastern Montana that remain unserved by other carriers that hold the spectrum for those areas. We believe that the American Roamer data, which is used for marketing purposes by other carriers, overstates both voice and data coverage, which is not in the public interest and will leave many areas of Eastern Montana ineligible for ever being covered through Mobility Fund support.

Finally, we reiterate concerns from our Reply Comments submitted March 9, 2012, regarding the use of Census Blocks for determining unserved areas eligible for support and with the FCC's continued application of a "more bang for the buck" strategy for allocating universal service dollars, which is contrary to the basic universal service principle of comparable services for all.

II. COMMENTS ON CENSUS BLOCK ELIGIBILITY FOR MOBILITY FUND PHASE I AUCTION

A. Blocks that Should Be Subtracted from the Updated List of Potentially Eligible Census Blocks

As Mid-Rivers and others providing Comments and Reply Comments in response to the general Mobility Fund Phase I Public Notice have pointed out, **the use of American Roamer data from January 2012 as the sole source for determining unserved areas does not account for 3G construction that may occur between January and September 2012.** The mobile wireless industry is not static, and things will change between the decision on eligibility and the Mobility Fund Auction. **Given that the FCC does not wish to allocate limited 3G funding to areas that will be served without Mobility Fund support prior to the date of the Auction on September 27, what happens between now and September 27 MUST be recognized by the FCC in this process.** It is simply not financially responsible to lose track of what has happened over several months given the limited resources.

Mid-Rivers Wireless is in the midst of a 3G network upgrade that will be completed well in advance of the September 27 Auction and will cover thousands of square miles. However, **that 3G coverage is not reflected in the FCC's Mobility Fund Phase I Potentially Eligible Areas map.**³

Mid-Rivers found it challenging to accurately determine the list of specific Census Blocks that will be served following our 3G network upgrade due to the vast size of many of the Census Blocks in our service area and the difficulty in representing actual Radio Frequency (RF) coverage data on a Census Block basis. Ultimately we determined it was necessary to present two options for listing the Census Blocks that will be served by our 3G coverage: one that depicts the Census Blocks where there will be 3G coverage at the centroid of the Block, and a second that shows all Census Blocks that are intersected at any point by our 3G coverage. While the FCC may choose to utilize the centroid coverage as this methodology is consistent with its application of the American Roamer data,⁴ **Mid-Rivers felt it was necessary to this process to illustrate the vast difference in coverage areas between these two approaches.**

Maps representing these two Census Block coverage areas are provided as ***Attachment A*** (Centroid Coverage) and ***Attachment B*** (Intersect Coverage) to these Comments, both determined by the use of geographic information system (GIS) software. Both methodologies utilized an RF signal strength of -95 dBm, with the RF signal coverage provided by a third party consultant. Lists by FIPS Code of the individual Census Blocks included in our 3G coverage under both methodologies are available in electronic format; however, due to the size of those files the actual lists have not been included with these Comments. The coverage shown in ***Attachment A*** includes **5,360 individual Census Blocks**; the ***Attachment B*** map illustrates coverage intersecting **17,974 individual Census Blocks**. As shown on ***Attachment C*** to these Comments, the anticipated ***actual*** 3G signal coverage area falls somewhere in between the two Census Block coverage area representations.

Paragraphs 341-342 of the *USF/ICC Transformation Order* state that “support will not be offered in areas where, notwithstanding the current absence of 3G wireless service, any provider has made a regulatory commitment to provide 3G or better wireless service,” and request that

³ <http://www.fcc.gov/maps/mobility-fund-phase-1-potentially-eligible-areas>

⁴ See *USF/ICC Transformation Order*, Para. 343-344, “Using Centroid Method.”

ETCs identify areas where they have made a “regulatory commitment to provide 3G or better wireless services.” Paragraph 342 also states that “given the limited resources provided for Mobility Fund Phase I and the fact that the commitments were made in the absence of any support from the Mobility Fund,...it would not be an appropriate use of available resources to utilize Mobility Fund support in such areas.”

Mid-Rivers’ wholly-owned wireless subsidiary Cable & Communications Corporation (C&CC) is currently in the process of preparing FCC license modification applications to reflect a change from omni to tri-sectored antennas. The tri-sectorization is necessary to add the capacity necessary for 3G data coverage without reducing our basic voice footprint. These modification filings will be submitted shortly and should serve as evidence of a regulatory commitment to provide 3G service. We plan to update the record on the status of these license modifications via *ex parte* filings as they move through the filing and approval process. Further, Mid-Rivers has evidence of other regulatory and public commitments in the form of Board Minutes and Resolutions as well as public advertising provided to customers that is available for review upon request. **We urge the FCC to restrict other providers from seeking and receiving support in these Census Blocks** in light of the pending regulatory commitments and our public assertion that this area will be served without Mobility Fund Phase I support during 2012.

Mid-Rivers is also working with American Roamer to include our voice and 3G mobile data coverage in their maps, but their information may not yet reflect our 3G coverage by the time of the release of the final list of eligible Census Blocks in a future FCC Public Notice. It is critical to the public interest that the FCC finds a way to update these eligibility maps as closely as possible to the date of the actual auction.

B. Blocks that Should Be Added to the Updated List of Potentially Eligible Census Blocks

Mid-Rivers is also concerned with several Census Blocks in Eastern Montana that are NOT showing as eligible for Mobility Fund Phase I Support, which implies that those blocks are in fact *served* with 3G mobile wireless service today. The extremely short timeframe for submitting these challenges, and the fact that our company’s limited resources are otherwise employed in attempting to deal with the many other impacts of the larger *USF/ICC Transformation Order*,

prevents us from providing any specific data at this time. However, we remain convinced that there are areas of Eastern Montana that remain unserved by the other carriers that hold the spectrum in those areas. The American Roamer data, which is used for marketing purposes by other carriers, overstates both voice and data coverage, which is not in the public interest and will leave many areas of Eastern Montana ineligible for ever being covered through Mobility Fund support. Our customers and the customers of other wireless carriers continue to report gaps in coverage along major highways, including U.S. Interstate 94, Montana Highway 16, Montana Highway 7, and other areas that remain “tied up” by the other carriers in terms of both spectrum and their status as “served” for funding eligibility purposes. Unfortunately an actual traffic/drive test study is the only way to dispute the American Roamer data coverage reported by other carriers, and we do not have the time or the resources to undertake such drive testing at this time. **We strongly urge the FCC to further examine the issue of carriers’ actual coverage in rural areas prior to any eligibility determinations for Phase II Mobility Funding.**

The very short timeframe for these challenges also prevents the use of other third-party verification tools, including drive testing that is currently being conducted by the Montana Department of Administration’s Broadband Program. Montana’s Broadband Program Manager has stated that this agency is “currently doing field data research to update our coverage – specifically on wireless broadband, however that data is still being collected at this point and has not been completed.” **It is unfortunate for consumers in rural areas that the FCC continues to proceed with the allocation of this limited high cost universal service funding before these types of key data sources can be fully developed and reviewed.**

C. Public Interest Concerns with the Use of Census Blocks for Determining Geographic Coverage Areas and Census Block Eligibility

It is necessary for Mid-Rivers to once again express our concerns with the use of Census Blocks for determining unserved areas eligible for support. The sizes of Census Blocks in Eastern Montana are simply far too varied, from one city block to 300 or more square miles, to allow for an accurate representation of actual mobile voice or data coverage on a Census Block basis. The maps in *Attachments A, B, and C* to these Comments are graphic illustrations of how the 2010

Census Block geography in Eastern Montana makes it extremely difficult to accurately represent actual mobile wireless coverage on a Census Block basis.

As discussed in our March 9, 2012, Reply Comments to the general Public Notice, we continue to urge the FCC to **consider using licensed coverage areas, including areas licensed for fill-in coverage, in its identification of unserved areas in the Mobility Fund selection process.** The types of wireless spectrum most useful for providing wireless broadband services are primarily licensed spectrum, which is awarded to providers based on specific licensed geographic market areas that do not necessarily coincide with Census Blocks. Whether determined by a “centroid” or other methodology, **coverage shown on a Census Block basis in no way depicts where a wireless user can or cannot actually receive a wireless voice or 3G data signal.** Awarding this Mobility Funding on a Census Block basis is therefore very unlikely to add coverage where it is actually needed in many areas, which is not in the public interest.

D. Universal Service Concepts Must Be Preserved

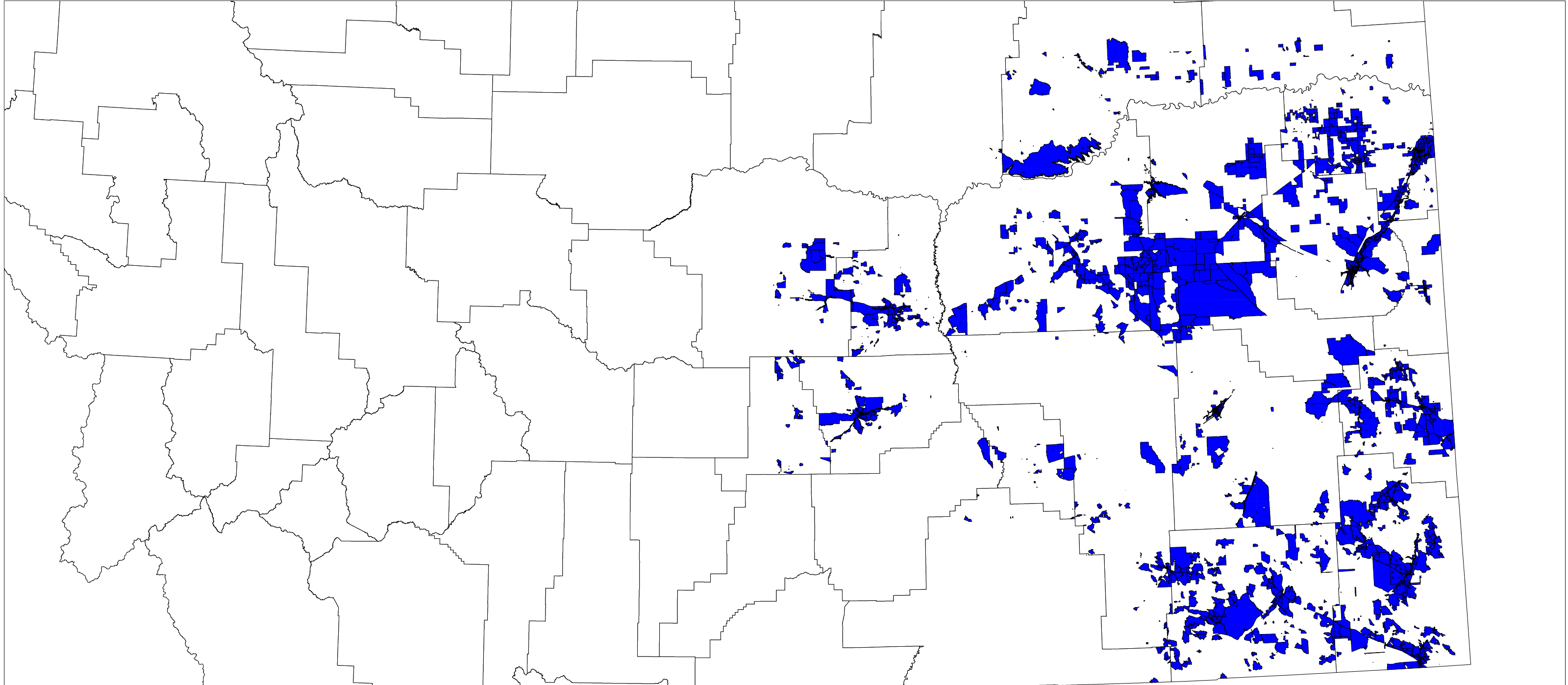
Finally, due to the vital importance of the concept of Universal Service to all consumers in rural Montana, we feel the need to reiterate yet again our concerns with the FCC’s repurposing of HIGH-COST Universal Service support in a blatant “more bang for the buck” manner. Taking high-cost support away from the rural ETCs, both wireline and wireless, that have shown a long-term commitment to service in rural America, and shifting that support to “target support to those areas that tend to be the most regularly traveled,” to “maximize the coverage of road miles,” and to “achieve the deployment of such services for relatively lower levels of support,” **is astoundingly contrary to Universal Service law and to Congress’ intent for those dollars. The retention of universal service principles is a key concern for Mid-Rivers and our rural customers as support is transitioned to a broadband platform.**

RESPECTFULLY SUBMITTED,

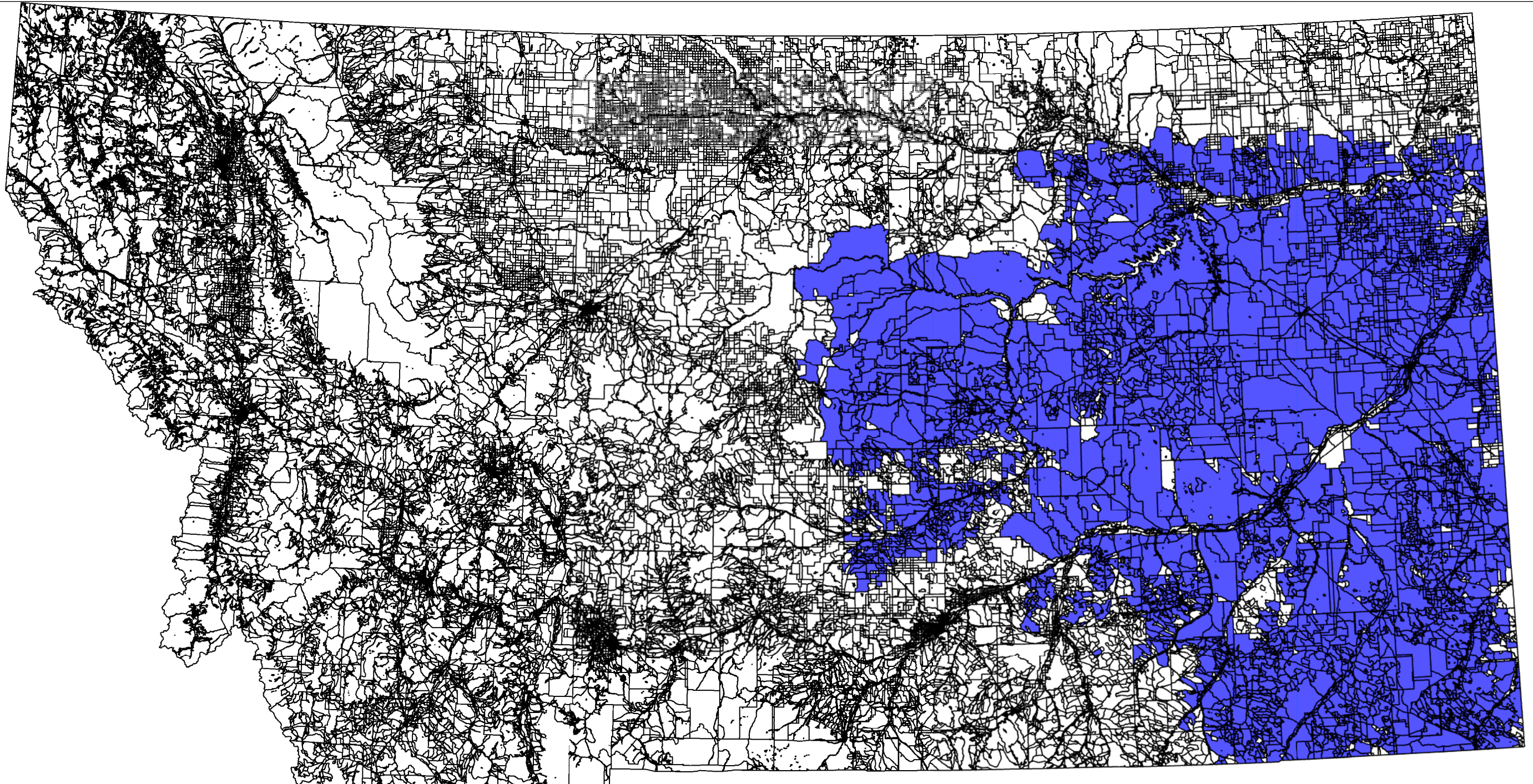


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ATTACHMENT A
MID-RIVERS 3G/EVDO TRI-SECTORED 2010 CENSUS BLOCK COVERAGE AT -95 dBm
CENTROID METHODOLOGY



ATTACHMENT B
MID-RIVERS 3G/EVDO TRI-SECTORED 2010 CENSUS BLOCK COVERAGE AT -95 dBm
INTERSECT METHODOLOGY



ATTACHMENT C

Mid-Rivers 3G/EVDO TRI-SECTORED 2010 CENSUS BLOCK COVERAGE AT -95 dBm
ANTICIPATED RADIO FREQUENCY (RF) COVERAGE AREA

